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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

11

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Stefan Masure, et. al.

Application No.: 10/019,337

Int.No. PCT/EP00/04918

Filed: I.A. March 26, 2000

Art Unit:

Examiner:

Title: NEUROTROPHIC FACTOR RECEPTOR

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1280 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of responses to notice of missing (identify type of reply):

- ☐ has been filed previously on parts & notice of defective response
☒ is enclosed herewith. dated 3/6/02 & 6/28/02, respectively

B. The issue fee of \$_____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

January 31, 2003
Date

Myra McCormack
Signature

Telephone
Number: () 732-524-6932

Myra H. McCormack, Reg. # 36,602
Typed or printed name

Johnson & Johnson/One J&J Plaza
Address

Enclosures: ☒ Fee Payment

New Brunswick, NJ 08933

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

January 31, 2003
Date

Myra McCormack
Signature

Myra H. McCormack
Typ or printed name of person signing certificate



DOCKET NO. JAB-1512

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MASURE, et al

Serial No.: 10/019,337

Art Unit: UNKNOWN

I. A. Filed: March 26, 2000

Examiner: UNKNOWN

For : NEUROTROPHIC FACTOR RECEPTOR

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January 31, 2003

(Date of Deposit)

Myra H. McCormack

(Name of applicant, assignee, or Registered Representative)


(Signature)

January 31, 2003

(Date of Signature)

Commissioner For Patents
Washington, D.C. 20231

PETITION FOR EXTENSION OF TIME
AND AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT THEREFOR

Dear Sir:

Applicant(s) petition(s) the Commissioner of Patents and Trademarks to extend the time for response to the Notification of Missing Requirements under 35 USC 371 as dated 6 March 2002. An Amendment responding to the aforesaid Notification is being filed concurrently herewith.

Please charge Deposit Account No. 10-0750/JAB-1512/MHM in the name of Johnson & Johnson for the cost of filing this Petition. Three copies of this Petition are enclosed.

Respectfully submitted,

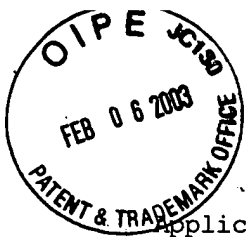


Myra H. McCormack

Reg. No. 36,602

Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6932
DATE: January 31, 2003



DOCKET NO. JAB-1512

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MASURE, et al

Serial No.: 10/019,337

Art Unit: UNKNOWN

I. A. Filed: March 26, 2000

Examiner: UNKNOWN

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Myra H. McCormack

(Name of applicant, assignee, or Registered Representative)

Myra H. McCormack
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Reg. No. 36,602

Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6932
DATE: January 31, 2003



DOCKET NO. JAB-1512

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MASURE, et al

Serial No.: 10/019,337

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Myra H. McCormack

(Name of applicant, assignee, or Registered Representative)

Myra McCormack
(Signature)

January 31, 2003

(Date of Signature)

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Respectfully submitted,

Myra McCormack

Myra H. McCormack

Reg. No. 36,602

Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6932
DATE: January 31, 2003



Docket No. JAB1512

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masure, et. al.

Serial No. : 10/019,337

Art Unit: unknown

I.A. Filed : March 26, 2000

Examiner: unknown

For : NEUROTROPHIC FACTOR RECEPTOR

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January 31, 2003

(Date)

Myra H. McCormack

Name of applicant, assignee, or Registered Representative

Myra H. McCormack
(Signature)

January 31, 2003

(Date of Signature)

Hon. Commissioner for Patents
Washington, D.C. 20231

Response to the Notice to Comply with Sequence Requirements

Dear Sir:

In response to the Notice to Comply with Requirements for
Patent Applications Containing Nucleotide Sequence and/or Amino
Acid Sequence disclosures, Applicants submit the requested
sequence together with a Petition for Revival of an Application
for Patent Abandoned Unintentionally.

IN THE SPECIFICATION:

Kindly delete the existing sequence listing and in the substitute sequence listing provided herewith.

REMARKS

A substitute sequence listing along with a Computer Readable Form of the Sequence Listing is provided herewith. The undersigned hereby states that the Paper Copy and the Computer Readable Form, submitted in accordance with 37 CFR 1.821 are identical. No new matter has been added by this amendment. A favorable examination of the Application is respectfully requested.

Should the Examiner have any questions he is invited to contact the under signed at the telephone number provided below.

Respectfully submitted,



Myra H. McCormack, Ph.D.
Attorney for Applicants
Reg. No. 36,602

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6932
Dated: January 31, 2003



15 JAN 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
www.uspto.gov

JAN 21 2003

49

Myra H. McCormack
Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

____ TO FILE REFER TO ____

In re Application of	:	
MASURE, et al.	:	
U.S. Application No.: 10/019,337	:	COMMUNICATION AND
PCT No.: PCT/EP00/04918	:	
Int. Filing Date: 26 March 2000	:	NOTIFICATION OF
Priority Date: 29 June 1999	:	
Attorney Docket No.: JAB-1512	:	ABANDONMENT
For: NEUROTROPHIC FACTOR RECEPTOR	:	

This communication is in response to the "Petition For Extension of Time" and "Response to Notification of Defective Response" filed 30 December 2002 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 26 March 2000, applicant filed international application PCT/EP00/04918, which claimed priority of an earlier application filed 29 June 1999. A Demand for international preliminary examination electing the United States was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2001.

On 19 December 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: payment of the basic national fee; an executed declaration; an Information Disclosure Statement and a First Preliminary Amendment.

On 06 March 2002, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide a nucleotide and/or amino acid sequence disclosure in compliance with 37 CFR 1.821-1.825. Applicant was afforded two months to file the response.

On 17 April 2002, applicant responded with an amendment to the specification; applicant did not include a computer readable diskette version of the sequence listing.

On 28 June 2002, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that the sequence listing filed 17 April 2002 did not comply 37 CFR 1.821-1.825 and thus was not a proper response to the Form PCT/DO/EO/905 mailed 06 March 2002. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or within the time remaining in the response set forth in the Form PCT/DO/EO/905, whichever was longer.

On 30 December 2002, applicant filed the present petition and response considered herein.

DISCUSSION

The above-identified application was **ABANDONED** on 06 October 2002 for failure to respond to the Form PCT/DO/EO/916 within the time period prescribed therein. Applicant is seeking a five month extension of time from the mail date of the Form PCT/DO/EO/916. However, the only extendable time available was to be calculated from the mail date of the Form PCT/DO/EO/905 mailed 06 March 2002. Thus, the response filed 30 December 2002 is untimely.

RECOMMENDATION

Applicants may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(a) or (b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(a) and/or a petition under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in the recent revision of 37 CFR 1.137. See 62 Fed. Reg. 53131 (October 10, 1997); 1203 Off. Gaz. Pat. Office 63 (October 21, 1997) (Effective Date: 01 December 1997).

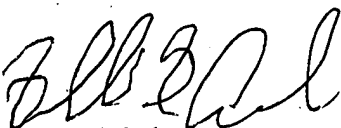
This recommendation to file a petition under 37 CFR 1.137(a) or (b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.


CONCLUSION

The application is **ABANDONED** as to the United States of America.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for mailing of a "Notification of Abandonment" (Form PCT/DO/EO/909).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention to the PCT Legal Office


Richard Cole
Legal Examiner
PCT Legal Office


Derek A. Putonen
Attorney Advisor
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459



SEQUENCE LISTING

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Cik, Miroslav
Hoefnagel, Evert

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<211> 953

<212> DNA

<213> Rattus rattus

<400> 6

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<211> 1008
 <212> DNA
 <213> Rattus rattus

<400> 7

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<210> 8
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 <213> Rattus rattus

<400> 8

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Glu Gly Asn Arg Cys Val Glu Ala Ala Glu Ala Cys Thr Ala Asp Glu
      35             40             45

Gln Cys Gln Gln Leu Arg Ser Glu Tyr Val Ala Gln Cys Leu Gly Arg
      50             55             60

Ala Gly Trp Arg Gly Pro Gly Ser Cys Val Arg Ser Arg Cys Arg Arg
      65             70             75             80

Ala Leu Arg Arg Phe Phe Ala Arg Gly Pro Pro Ala Leu Thr His Ala
      85             90             95

Leu Leu Phe Cys Gly Cys Glu Gly Pro Ala Cys Ala Glu Arg Arg Arg
      100            105            110

Gln Thr Phe Ala Pro Ala Cys Ala Phe Ser Gly Pro Gln Leu Ala Pro
      115            120            125

Pro Ser Cys Leu Lys Pro Leu Asp Arg Cys Glu Arg Ser Arg Arg Cys
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Arg Pro Arg Leu Phe Ala Phe Gln Ala Ser Cys Ala Pro Ala Pro Gly
  
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Pro Ser Cys Leu Lys Pro Leu Asp Arg Cys Glu Arg Ser Arg Arg Cys
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 Arg Pro Arg Leu Phe Ala Phe Gln Ala Ser Cys Ala Pro Ala Pro Gly
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 Ser Arg Asp Gly Cys Pro Glu Glu Gly Gly Pro Arg Cys Leu Arg Ala
 165 170 175
 Tyr Ala Gly Leu Val Gly Thr Val Val Thr Pro Asn Tyr Leu Asp Asn
 180 185 190
 Val Ser Ala Arg Val Ala Pro Trp Cys Gly Cys Glu Ala Ser Gly Asn
 195 200 205
 Arg Arg Glu Glu Cys Glu Ala Phe Arg Lys Leu Phe Thr Arg Asn Pro
 210 215 220
 Cys Leu Asp Gly Ala Ile Gln Ala Phe Asp Ser Ser Gln Pro Ser Val
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Glu Ala

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<220>
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<210> 11
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<400> 14
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<210> 15
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22

<210> 16
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<212> DNA
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<220>
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24

<210> 17
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<212> DNA

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<210> 20
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<220>
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 <210> 25
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<210> 28
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<400> 28
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<210> 30
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<400> 30
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<400> 31

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23